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January 31, 2025

VIA CM/ECF

Ms. Maureen W. Gornik
Clerk of the Court
U.S. Court of Appeals for the
Eighth Circuit
Thomas F. Eagleton Courthouse
111 South 10th Street, Room 24.329
St. Louis, MO 63102

Re: *Kansas v. United States*, No. 24-3521 (8th Cir.)

Dear Ms. Gornik:

Respondents submit this letter pursuant to Federal Rule of Appellate Procedure 28(j) to inform the Court of a recent Executive Order titled Protecting the American People Against Invasion. Exec. Order No. 14,159, 90 Fed. Reg. 8443 (Jan. 20, 2025).

This case concerns a Department of Health and Human Services rule that, among other things, states that recipients of deferred action under the Deferred Action for Childhood Arrivals program are considered “lawfully present in the United States” for certain purposes under the Affordable Care Act (ACA) and consequently may be eligible to obtain health insurance on an ACA exchange and to receive certain federal subsidies. The above-referenced executive order states:

The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall promptly take all appropriate action, consistent with law, to rescind the policy decisions of the previous administration that led to the increased or continued presence of

illegal aliens in the United States, and align any and all departmental activities with the policies set out by this order and the immigration laws.

Exec. Order No. 14,159, § 16.

The government is evaluating the impact of the executive order on the rule at issue in this litigation, if any, and will provide a further update when one is available.

Sincerely,

/s/ Joshua M. Koppel
Joshua M. Koppel

cc: All parties (via CM/ECF)